

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH CHAN, *et al.*,

Plaintiffs,

V.

No. 1:23-cv-10365-LJL

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

MICHAEL MULGREW, *et al.*,

Plaintiffs,

V.

No. 1:24-cv-01644-LJL

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Memorandum of Law of Defendant Stephanie Winkelhake, P.E., in her official capacity as Chief Engineer of the New York State Department of Transportation, upon the Memorandum of Law of Defendants Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority, and upon all the pleadings and proceedings previously had in the two above-captioned actions, the undersigned will move this Court pursuant to Federal Rule of Civil Procedure 12(b)(6), at the Daniel Patrick Moynihan United States Courthouse, Courtroom 15C, 500 Pearl Street, New York, New York 10007,

at such date and time as the Court may set, for an order dismissing the causes of action for violation of the dormant Commerce Clause and the right to travel in the two above-captioned actions for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that, subject to further orders of the Court, pursuant to Local Rule 6.1(b) plaintiffs in the two actions must serve their papers in opposition or response to this motion within 14 days of service of this motion, and any reply papers must be served within seven days after service of the answering papers.

Dated: New York, New York
September 30, 2024

Respectfully submitted,

LETITIA JAMES,
ATTORNEY GENERAL OF THE STATE
OF NEW YORK

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*Attorneys for Defendant Stephanie
Winkelhake, P.E., in her official capacity
as Chief Engineer of the New York State
Department of Transportation*